

Hearing Date: December 10, 2017
Time: 10:00 a.m.

ROSEN & ASSOCIATES, P.C.
Attorneys for the Debtor and
Debtor in Possession
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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

YONKERS CENTRAL AVE. SNACK MART,
INC.,

Case No. 15-22824 (RDD)

Debtor.

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**ORDER ON APPLICATION FOR FINAL
ALLOWANCE OF COMPENSATION OF BARR & MORGAN
AS DEBTOR'S LITIGATION COUNSEL**

Upon the Application for Final Allowance of Compensation of Barr & Morgan (“**Applicant**”) as the Debtor’s Litigation Counsel (the “**Barr Application**”) under 11 U.S.C. § 330; and the Court having jurisdiction to decide the Barr Application and the relief requested therein in accordance with 28 U.S.C. §§ 157(a)-(b) and 1334(b), consideration of the Barr Application and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b), and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Barr Application having been given, and it appearing that no other or further notice need be given; and upon the objection of the debtor and debtor in possession herein to the Barr Application, the record of the hearing held by the Court on the Barr on December 10, 2018 (the “**Hearing**”), at which John J. Morgan, Esq., appeared in support of the

Barr Application, and Sanford P. Rosen , Esq., appeared in opposition thereto; and upon all of the proceedings herein; and, after due deliberation and for the reasons stated by the Court in its bench ruling at the Hearing, the Court having determined to give Applicant the option to accept either (i) the Court's allowance of the Barr Application to the extent of 25% of the amount of compensation sought plus reimbursement of expenses and (ii) the Court's disallowance of the Barr Application without prejudice to the right to file, serve and be heard with respect to a supplemental application in sufficient detail so that it can be fully reviewable; and Applicant having elected to file, serve and be heard with respect to a supplemental application; and good and sufficient cause appearing, it is hereby

ORDERED, that the Court's decision, which is incorporated herein and made a part hereof, shall constitute its findings of fact and conclusions of law pursuant to Rule 52(a) of the Federal Rules of Civil Procedure, applicable here pursuant to Rule 7052 of the Federal Rules of Bankruptcy Procedure; and it is further

ORDERED, that the Barr Application be, and the same hereby is denied without prejudice to Applicant's right to file and serve (with a copy to chambers) a supplemental application including detailed time records no later than January 14, 2019 and schedule a hearing thereon; and it is further

ORDERED, that in the event Applicant files and serves a supplemental application no later than January 11, 2019, any response thereto shall be filed and served (with a copy to the Court's chambers) no later than January 21, 2019; and it is further

ORDERED, in the event Applicant fails to file and serve a supplemental application by January 41, 2019, Applicant shall be barred from doing so and shall not have an

allowed claim for compensation for services rendered and shall have an allowed claim for its expenses set forth in the Application; and it is further

ORDERED, the Debtor shall cause a copy of this Order to be served upon Applicant by email and regular mail within one business day of its entry.

Dated: January 2, 2019
White Plains, New York

/s/Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE

SCHEDULE A(1)

CURRENT FEE PERIOD

Case No.: 15-22824 (RDD)

Case Name: **Yonkers Central Avenue Snack Mart, Inc.**

Applicant	Fee Period	Date/ Document No. of Application	Fees Sought for this Period	Fees Awarded for this Period	Fees Paid for Prior Fee Period	Expenses Sought for this Period	Expenses Awarded for this Period	Expense Paid for Prior Fee Period
Barr & Morgan	June 12, 2015 – September 21, 2018	October 24, 2018 Doc No.198-1	\$146,640.00	- 0 -	- 0 -	\$70.00	- \$70.00 -	- 0 -

Schedule A(1)

Date Order Signed: 1/2/2019

Initials: RDD USBJ

Order sets deadline for applicant to file supplemental fee application with detailed time records.

SCHEDULE A(2)

ALL FEE PERIODS

Case No.: 15-22824 (RDD)

Case Name: **Yonkers Central Avenue Snack Mart, Inc.**

Applicant	Total Fees Requested	Total Fees Paid/to be Paid	Total Fees Heldback	Balance of Fees to be Paid for Current Fee Period	Total Expenses Requested for All Fee Periods	Total Expenses Paid/to be Paid for All Fee Periods	Balance of Expenses to be Paid for Current Fee Period
Barr & Morgan	\$146,460.00	- 0 -	- 0 -	- 0 -	\$70.00	- 0 -	-\$70.00 -

Schedule A(2)

Date Order Signed: 1/2/2019

Initials: RDD USBJ